

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

MACA.No. 870 of 2005()

OP(MV).2007/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM
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APPELLANT:PETITIONER

ROBIN KURUVILLA,
S/O.KURUVILLA, SANKARAMANGALAM HOUSE,
CHELLIYOZHUKAM, KOTTAYAM.

BY ADV. SRI.K.G.PAVITHRAN

RESPONDENTS: RESPONDENTS

1. P.V.KURIAN, PULIYATH KUNNEL,
NALUMNACKAL, VAKATHANAM P.O.,
(VIA) KOTTAYAM.

2. THE NEW INDIA ASSURANCE CO.LTD.,
KOTTAYAM.

R1 BY ADV. SRI.P.JACOB MATHEW
R2 BY ADV. SRI.P.MURALEEDHARAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION
ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

M.A.C.A. No 870 of 2005

Dated: 16 January 2007

JUDGMENT

Krishnan,J.

This is an appeal filed against the award of the Claims Tribunal, Kottayam in O.P. (M.V) No 2007 of 1999. Claimant sustained injuries in a road accident and the Tribunal has awarded total compensation of Rs 47,500/- and it is against that decision the present appeal is filed.

2. Owner as well as the insurer company have already entered appearance and we heard both sides.

3. A perusal of the award as well as the certificate issued from the Medical College Hospital, Kottayam would reveal that the claimant had sustained a crown fracture of the upper central incisor

and there was also fracture of the maxilla right side. He had also undergone inpatient treatment for eleven days and fixation was done and the lateral incisor teeth were extracted. Doctor had also issued receipt dated 17.10.2000 acknowledging receipt of an amount of Rs 27,500/- towards charges for ceramic bridge, upper six units and lower five units. Tribunal did not accept that receipt. We find that the claimant had undergone treatment under the same doctor and the said doctor had issued certificate dated 26.10.1999. There is nothing to disbelieve the receipt issued by the doctor who is attached to Medical College hospital and therefore we accept the said receipt and award Rs 27,500/- towards treatment expenses. On all other heads it is pointed out that the compensation given is low. We find Tribunal had awarded a sum of Rs 30,000/- towards loss of amenities in life besides granting a sum of Rs 10,000/- for pain and suffering. So on those counts award does not suffer from any infirmity and therefore the claimant is entitled to additional compensation of Rs 27,500/-. In the result, the appeal is partly allowed and the claimant is awarded an additional amount of Rs 27,500/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the

amount within two months from the date of receipt of a copy of this judgment.

SD/-

(K.S. RADHAKRISHNAN, JUDGE)

SD/-

(M.N. KRISHNAN, JUDGE)

16/01/2007
en/

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